

DECLARATION

Journalistic Report on Emilio Gutiérrez Soto

José Luis Benavides, Ph.D.

I, José Luis Benavides, declare the following is true and correct:

Introduction

I have reviewed the case of Mr. Emilio Gutiérrez Soto (henceforth referred to as “Mr. Gutiérrez Soto”) a 54-year old Mexican refugee facing removal proceedings in the U.S. My review was based on an affidavit provided to me by his attorney, my own collection of reports and newspaper clips, and oral histories I conducted with Mr. Gutiérrez Soto and other journalists, human rights and labor activists, asylum seekers, and experts, as part of an archiving border project for the Tom & Ethel Bradley Center. I met Mr. Gutiérrez Soto in January 2012 when I conducted his oral history interview for this project. I have not contacted or talked to him since then.

The following is a synopsis of relevant facts as I have understood them: Mr. Gutiérrez Soto was a journalist in Chihuahua with more than 25 years of experience prior to June 2008, when he decided to flee Mexico and request asylum at the Mexico-U.S. border. In Mexico, Mr. Gutiérrez Soto covered several beats, including police, politics, and general news.

In early 2005, Mr. Gutiérrez Soto published a news story informing that a group of Mexican soldiers, led by a well-known criminal in the town of Puerto Palomas, Chihuahua, entered the town's hotel La Estrella and robbed money and possessions from a group of migrants waiting to cross the border. Despite having the mayor of Puerto Palomas quoted on the record about the incident, Mr. Gutiérrez Soto was intimidated by the local and regional military authorities and threatened to be killed if he continued publishing stories on this topic.

Mr. Gutiérrez Soto took seriously the threats of the military and requested the intervention of the assistant attorney general for Nuevo Casas Grandes and Mexico's National Human Rights Commission. The assistant state attorney warned him not to file a formal complaint against the military, and the Human Rights Commission officials couldn't do much as they did not have the resources or authority to protect him against the Mexican military. As a result, his relationship with the military deteriorated and he ended up without any kind of protection granted to him as a journalist.

The Mexican military continued harassing Mr. Gutiérrez Soto and in May of 2008, a group of 50 soldiers searched his home in the middle of the night without a warrant, finding nothing they could use to arrest him. In June of that year, the reporter was told by a relative of a special forces member that he was in a hit list by the Mexican military, and that they were going to kill him soon. It was at that moment that Mr. Gutiérrez Soto decided to flee the country with his son (a minor at the time) and to ask for asylum.

Mr. Gutiérrez Soto did what any reasonable person and journalist in Mexico should have done if he wanted to save his life—flee the country. Mexico's military has a long history of human rights abuses against poor people and political dissidents—

including independent journalists. Mr. Gutiérrez Soto's life was in danger because his reporting not only indicated that the military was involved in criminal activity, but also that the soldiers were doing so under the command of a well-known local criminal. If his asylum case is denied and is forced to return to Mexico, Mr. Gutiérrez Soto is very likely to be killed, tortured, and/or disappeared by Mexico's military, a federal institution with intelligence capabilities, wider powers, and lack of accountability vis-à-vis the civilian authorities.

Background/Expertise

I am a professor of journalism at California State University, Northridge (CSUN), and director of the Tom & Ethel Bradley Center. My field of study is journalism history in both Mexico and the U.S., journalism in the border region, ethnic news media in the United States, and journalism education. At CSUN, I established the first interdisciplinary minor in Spanish-language journalism, a program that has produced a new cadre of bilingual and bicultural reporters who can cover Spanish-speaking communities for both large and ethnic news media outlets and digital platforms. I have authored a textbook on journalistic writing, *Escribir en prensa* (Writing for the Press) that had been distributed across the Spanish-speaking world, and I created with my students the cross-platform news site *El Nuevo Sol*, where aspiring journalists can publish journalistic work in Spanish and English. Also, I published a seminal article on the political economy of Mexico's press, focused on *Gacetillas*, or reading notices published as news stories and paid by government institutions. Finally, in the last five years, I have been working in documenting and preserving the stories of Mexico's asylum

seekers and Mexican citizens suffering the consequences of violence in that country, as well as the images of one of the most important Mexican photographers of the border region. I and my research colleague, Kent Kirkton, have visited the border area several times and have interviewed 45+ individuals (8 of them journalists) about their experiences in Mexico. Currently, I am working on a conference presentation using the oral histories of the Mexican and American journalists we interviewed.

General Observation

There is no doubt that if Mr. Gutiérrez Soto is forced to return to Mexico, he will be killed either by the military, by a death squad connected to the military, or by other government actors, regardless of where he can establish residence. Besides exposing the Mexican military's criminal activity while working as a journalist in his native country, Mr. Gutiérrez Soto has denounced the Mexican government, specifically the military, at international human rights and journalism forums and events, helping in the investigation of human rights abuses in Mexico. He is the recipient of the Cultural Freedom Award by the Lannan Foundation (2009), the International Press Freedom Award by the Canadian Journalists for Free Expression (2010), the President's Award by the National Association of Hispanic Journalists (2011), the Rubén Salazar—Exposing the Truth Journalism Award by the Paso Del Norte Civil Rights Project (2012). In addition, recently the National Press Club invited Gutiérrez Soto to accept the prestigious John Aubuchon Press Freedom Award on behalf of his Mexican colleagues (2017). These awards are awarded to journalists who have shown a commitment to justice and the advancement of the freedom of expression that includes a citizen's right to

criticize the government. But besides recognizing his courage, these awards and public attention put Mr. Gutiérrez Soto at a higher risk than other members of the Mexican population. No government agency, included the National Human Rights Commission, can protect him against the military—a federal force with the ability to operate as police in extraordinary circumstances, as established by recent changes passed by Mexico’s Congress and approved by President Peña Nieto.

Besides living a humanitarian crisis that has not been seen in the country since the Mexican Revolution of 1910–1917—with more than a quarter of million Mexicans killed or disappeared in the last decade—Mexico has become one of the most dangerous place to practice journalism in this hemisphere due to general violence in the country and government attacks against journalists. According to Mexico’s Attorney General Office, 124 Mexican journalists were killed between 2000 and July of 2016. Things got worse in 2017, when Mexico became the most dangerous place in the Americas for journalists, according to the Committee to Protect Journalists, with only Iraq and Syria having a higher number of journalists killed.

Two additional factors have contributed to this very hostile environment against journalists in Mexico—the high number of unpunished crimes against journalists and the large percentage of aggressions against journalists committed by government actors. The Mexican Human Rights Commission, for example, reported that 90 percent of aggressions against journalists remain unpunished and the international organization Article 19 has registered that the majority (41.6%) of the 397 aggressions against Mexican journalists in 2015 were committed by government officials (local and federal) while only 8.8% (35) were committed by organized criminal organizations.

Mexico has had a long history of government control of the press. During the late 19th century, control was exercised through direct repression: jail or assassination of independent journalists. After the dictatorship of General Porfirio Díaz ended in 1911, a new democratic government emerged but the press played a negative role against then President Francisco I. Madero and supported a military coup that ended with his assassination—an action that sparked the armed revolution that lasted until 1917. Due in part to this historical experience, the authoritarian governments that emerged after the Mexican Revolution built a carefully structured system of press controls (including direct violence) that have remained intact throughout the 20th century.

Starting in the 21st century, the violence generated by drug-trafficking and the emergence of a criminal economy controlled by what some observers called a parallel, criminal state apparatus, worsen the safety of Mexican journalists. Today, a strong control of the political economy of the press has been accomplished by a combination of formal and informal “subsidies” to news organizations such as government advertising expenditure (including *gacetillas*, or propaganda disguised as news) and monthly payments (bribes) to reporters who cover a specific beat (including the police and the military beats) and editors, as well as attacks against journalists and their families perpetrated by government actors. Recently, in December of 2017, the *New York Times* reported that the current administration of President Enrique Peña Nieto has spent \$2 billion dollars in advertising—a staggering amount that does not include the bribes given to reporters and editors and the advertising money spent by local governments. As usual, money spent in advertising or bribes is given with the expectation of positive coverage or silence if crimes are committed.

In no other period of Mexican history, so many journalists have been killed by the hand in glove work of government officials and organized criminal organizations. In his book *Narcoperiodismo* (Narco-Journalism), Mexican journalist Javier Valdez Cárdenas, who was killed last year in Sinaloa, Mexico, describes with prescient clarity the dilemma of independent Mexican journalists: “The government is there only to receive money from organized crime or to protect it, and reporters are in the middle of a cross fire between *narcos* from this or that group and the government—absent, complicit, corrupt.”

No journalists are more vulnerable to violence than reporters covering the police beat (like Mr. Gutiérrez Soto), as established by a 2014 study of Mexican journalists operating in border states by Jeannine Relly and Celeste González de Bustamente. These University of Arizona researchers found that “journalists in every state indicated beat reporters were the most at risk because of illegal activity taking place at crime scenes after killings and because of battling gangs, corrupt government officials, and organized crime groups’ efforts to use journalists as propaganda tools for their own message.”

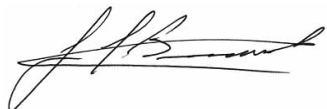
Most of the journalists I interviewed for our oral history project reported criminal activity by government authorities, soldiers, and federal police. A radio reporter from Juárez that gained asylum in the U.S. put it bluntly when describing the entrance of the federal police and the military in Juárez in 2008: “The feds were extorting. The starving soldiers were raping girls and stealing their shopping goods—emptying the refrigerators, grabbing the bags from the “Esmart” supermarket, filling them with food, and taking them away.”

Award-winning reporter Sandra Rodríguez Nieto found a similar reality of criminal activity of the military while working for the Juárez newspaper *El Diario*.

“General,” she recalls interrogating the military officer in charge of the operation in the city, “notice that we went to the house where the search was conducted, and then a family said they [the soldiers] also went into their house and stole their TV sets.” The general replied, “Who? That house. They were all criminals.” Rodríguez Nieto pointed out that she was talking about the neighbors. “They were also criminals,” the general said. When the reported told him that the neighbors didn’t have drugs or hadn’t done anything illegal, the general concluded by saying, “But if they had these neighbors, why did not they denounce them?”

The Washington Office on Latin America’s latest report on investigations on Mexico’s military abuses confirms Mr. Gutiérrez Soto’s fears by highlighting the small number of human rights crimes that end up in military convictions: 3.2%. This means that almost 97 percent of the investigations pursued by civilian authorities did not result in any conviction—a high-level of impunity. In this case, WOLA is referring to crimes such as torture (53% of the cases), abuse of authority (24%), enforced disappearance (7.3%), homicide (3.4%), and others. If Mr. Gutiérrez Soto is not granted asylum by the United States, he and his son will most likely be subjected to military torture, disappearance, and very likely to be killed. Additionally, the perpetrators of this horrific violence are unlikely to be investigated or prosecuted. I believe it is imperative for Mr. Gutiérrez Soto and his son to be granted asylum in the United States.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and understanding.

A handwritten signature in black ink, appearing to read 'J. Benavides', with a horizontal line drawn underneath it.

José Luis Benavides, Ph.D.

Date: February 19, 2018

825 Omar Street
Glendale, CA 91202

Bibliography:

- Ahmed, Azam. "Using Billions in Government Cash, Mexico Controls News Media." *New York Times*. Dec. 25, 2017. Available at:
<http://www.nytimes.com/2017/12/25/world/americas/mexico-press-government-advertising.html>
- Article 19. *Agresiones contra periodistas en México*, enero-septiembre 2012. Mexico City, October 1, 2012.
- Benavides, José Luis. "Gacetilla: A Keyword for a Revisionist Approach to the Political Economy of Mexico's Print News Media." *Media, Culture & Society*, Vol. 22, No. 1, 2000, pp. 85–104.
- _____ & Carlos Quintero. *Escribir en prensa*. 2a edición. Madrid: Pearson, 2004.
- _____ "Border Journalism Voices: Resisting Dominant Narratives of Violence in Mexico." Refereed paper to be presented at the Union for Democratic Communication Annual Conference, Chicago, May 10–13, 2018.
- Chávez Aldana, Ricardo. Oral History Interview. El Paso, Aug. 21, 2014. Tom & Ethel Bradley Center.
- Committee to Protect Journalists. *Report: In Absence of Fresh Military Conflict, Journalists Killings Decline Again*. Dec. 21, 2017. Available at:
<http://cpj.org/reports/2017/12/journalists-killed-iraq-crossfire-murder-mexico.php>
- Human Rights Watch. *Mexico, 2016* (annual report). Available at:
<http://www.hrw.org/world-report/2017/country-chapters/mexico>
- Redacción. "En la impunidad, 9 de cada 10 casos de agresión contra periodistas, alerta la CNDH". *Proceso*, Nov. 18, 2017. Available at:
<http://www.proceso.com.mx/511684/en-la-impunidad-9-10-casos-agresion-contra-periodistas-medios-alerta-la-cndh>
- Relly, Jeannine & Celeste González de Bustamente. "Silencing Mexico: A Study of Influences on Journalists in the Northern States." *The International Journal of Press/Politics*. Vol. 19, No. 1, 2013, pp. 108–131.
- Rodríguez Nieto, Sandra. Oral History Interviews. El Paso & Los Angeles, Jul. 29, 2012 & Jan. 24, 2013. Tom & Ethel Bradley Center.

Suárez Henríquez, Ximena. *Overlooking Justice: Human Rights Violations Committed by Mexican Soldiers against Civilians Are Met with Impunity*. Washington, DC: Washington Office on Latin America, Nov. 2017.

Valdez Cárdenas, Javier. *Narcoperiodismo: la prensa en medio del crimen y la denuncia*. Mexico City: Aguilar, 2016.

Short CV:

José Luis Benavides, Ph.D.
 Professor, Department of Journalism
 Director, Tom & Ethel Bradley Center
 California State University, Northridge
 jose.benavides@csun.edu

Education

- Ph.D. University of Texas at Austin, Interdisciplinary Studies, College of Communications, 1997.
- M.A. University of Texas at Austin, Journalism, 1989.
- B.A. Universidad Nacional Autónoma de México, Journalism, 1985.

Teaching experience

- California State University, Northridge. *Professor*, August 2012–current, *Associate Professor*, August 2007–July 2012, *Assistant Professor*, August 2002–July 2007.
- University of the Incarnate Word, San Antonio, Texas. *Visiting Professor*, August–December 1997.
- University of Texas at Austin. *Teaching Assistant*, 1990–1997.

Selected publications, conference papers, and panels

- “Border Journalism Voices: Resisting Dominant Narratives of Violence in Mexico.” To be presented at the Union for Democratic Communication Annual Conference, Chicago, May 10–13, 2018.
- “Spanish-Language Newspapers.” In Ilán Savans, (ed.). *Oxford Bibliographies in Latino Studies*, Oxford University Press, 2016.
- *The Documented Border: Collaborative Projects in the Digital Humanities*. Juried roundtable at the 62nd Annual Meeting of the Rocky Mountain Council for Latin American Studies, Tucson, Arizona, April 11, 2015.
- *Testaments of the Human Spirit: Oral Histories of Mexican Exiles*. Juried panel at the 41st Conference of the National Association for Chicana and Chicano Studies. Salt Lake City, Utah, April 10, 2014.
- “Mexicanos en Exilio: Narrative of Resistance.” Union for Democratic Communicators/Project Censored Joint Conference, San Francisco, November 3, 2013.
- *Covering Children and Invisible Victims*. Panel on the coverage of undocumented immigrant children and youth, at Watchdog Workshop of the Investigative Reporters and Editors convention, Tucson, Arizona, October 7, 2011.
- *Escribir en prensa: segunda edición (Writing for the Press: Second Edition)*, co-authored with Carlos Quintero. Madrid: Pearson, 2004 (reprinted in 2010).
- “Using Special Projects to Teach Ethical Reporter-Source Relationships to Latino Students.” Presented at the panel *How (and How Well) Do We Teach Media Ethics? An International Perspective*. Broadcast Educators Association Conference 2009, Las Vegas, April 24, 2009.

- “El Impacto de la Web en los Medios Hispanos.” Panel in the *Quinto Encuentro Internacional de Periodistas*, organized by the Universidad de Guadalajara (Centro de Periodismo Digital), as part of La Feria Internacional del Libro de Guadalajara, México, December 5, 2009.
- “Rethinking Journalism Through the Lens of Diversity.” A 50-person working conference hosted by the Center for Integration and Improvement of Journalism, San Francisco State University, October 9–10, 2009.
- “Diversifying the Faculty: A Faculty Member’s Perspective.” In Ralph Izard (ed.). *Diversity That Works: Report and Recommendations of a Conference on Successful Programs in Higher Education Diversity*. Baton Rouge: Louisiana State University Manship School of Mass Communication, May 29–30, 2008, pp. 49–52.
- “Latino Press.” In Stephen L. Vaughn, (ed.). *Encyclopedia of American Journalism*. New York: Routledge, 2008, pp. 256–257.
- Book review of *Lynching in the West: 1850–1935* by Ken Gonzales-Day. *Aztlán: A Journal of Chicano Studies*. Vol. 33, No. 1, Spring 2008, pp. 221–223.
- “Heroica prensa étnica.” *Revista Mexicana de Comunicación* No. 107, October–November 2007, pp. 42–44.
- “Pedro J. González’s Ballad of a Very Unknown Hero: Advocating for Equal Rights and Social Justice in Early Spanish-Language Radio.” Paper presented at the Union for Democratic Communications Conference. Vancouver, October 25–28, 2007.
- *California History*, Special Issue: *El Clamor Público*, co-edited with Félix Gutiérrez and William Deverell. Vol. 84, No. 2, Winter 2006–2007.
- “‘Californios! Whom Do You Support?’ *El Clamor Público*’s Contradictory Role in the Racial Formation Process in Early California.” *California History*, Vol. 84, No. 2, Winter 2006–2007, pp. 54–66.
- Book review of *Ethnic Media in America* (vols. 2 and 3) by Guy T. Meiss and Alice A. Tait, eds. *Journalism*, Vol. 7, No. 3, August 2006, pp. 406–408.
- “Gacetilla: A Keyword for a Revisionist Approach to the Political Economy of Mexico’s Print News Media.” *Media, Culture & Society*, Vol. 22, No. 1, January–February 2000, pp. 85–104.

Selected professional experience

- *Freelance Editor and Translator*, major clients: Harcourt Educational Measurement, Holt, Rinehart & Winston, RBP, Inkwell Publishing Solutions, Publishers Resource Group, University of Texas Center for Mexican American Studies, Austin, 1995–2002.
- *Freelance Writer*, Office.com, a Website devoted to providing news and services to small and medium-size businesses, New York, June 2000–May 2001.
- *Freelance Writer*, *América Economía*, a Dow Jones business monthly magazine distributed in Latin America, Mexico City, September–December 1993.
- *Translator*, *El Financiero Weekly International Edition*, an English-language weekly publication of *El Financiero*, Mexico City, June–August 1991.
- *Assistant Editor*, Editorial Grijalbo, Mexico City, April–August 1990.
- *Assistant Editor and Translator*, *Informe Bibliográfico*, a monthly magazine published by the newspaper *El Nacional*, Mexico City, October 1984–July 1988.